

REMARKS

In the office action dated February 15, 2005, the drawings were objected to under 37 C.F.R. 1.83(a). In addition, claims 1-20 were objected to under 35 U.S.C. 112, first paragraph for failing to comply with the written description and enablement requirements. The disclosure was furthermore objected to for informalities, and for failing to provide antecedent basis for the claimed subject matter. Claims 1-20 were further rejected under 35 U.S.C. 112, second paragraph as being indefinite.

In this response, Applicants have amended numerous paragraphs of the specification to correct typographical errors, have amended Fig. 5 of the drawings, and have amended claims 1, 6, 14, and 20 and have cancelled claims 7-9, 11, 12, and 16 without prejudice. After entry of the amendments, claims 1-6 and 10, 13-15, and 17-20 will be pending.

Applicants respectfully request reconsideration of the application in view of amendments and the following remarks.

Objections to the Specification:

The disclosure was objected to for informalities. Specifically, the Examiner has asserted that numerous reference numerals have been incorrectly cited or omitted.

Applicants have amended numerous paragraphs of the specification and Fig. 5 of the drawings to correct the typographical errors in the reference numerals. Applicants thank the Examiner for pointing out the errors.

In view of the amendments to the specification, withdrawal of the objections to the disclosure is respectfully requested.

Objections to the Drawings under 37 C.F.R. 1.83(a) with regard to the specification:

The drawings were objected to under 37 C.F.R. 1.83(a) for failing to show operative connection of many components of the invention as described in the specification. Specifically, the Examiner asserts that the engagement of guide 4, the four claimed positions, the interaction of cam 12b with the first sliding element 6, numerous articulations, the recess of first slide 6, the

interaction of element 3a and 4, the interaction of drive block 14 and the control lever 5, and the coupling 11 being released (page 8 of specification) and the stop of page 9.

Applicants have amended Fig. 5 to add the reference numerals 6b and 7b showing the extension of slide elements 6 and 7 respectively, described in the specification, and have amended the specification to include the reference numeral 6b.

In addition, Applicants have amended numerous paragraphs of the specification to correct typographical errors. Applicants submit that these corrections of obvious typographical errors, including in the reference numerals together with the amendments to the drawings, clarifies the specification and obviates many of the Examiner's objections with respect to the specification and drawings.

Applicants respectfully submit that the four claimed positions are shown in the drawings. Specifically, Fig. 7 shows the drive mechanism position when the roof is in a fully closed position. Fig. 1 shows the roof in the fully opened position. Fig. 8 shows the drive mechanism in an partially open inclined ventilation position (third position). Fig. 9 shows the drive mechanism of the vehicle roof in a partially open position in which the roof part is parallel and elevated with respect to the rest of the vehicle roof (fourth position). Applicants further submit that the interaction of cam 12b of catch lever 12 with first slide element is clear from Figs. 5 and Figs. 7-9, which shows the cam 12 b aligned within the moving path of sliding element 6 as the first sliding element 6 moves towards and engages the second sliding element 7.

Applicants further submit that the interaction of element 3a and 4, is adequately described in the specification, for example at page 5, lines 20-29 together with Figs. 2 and 10. (Guide 4a assumes an inclined path at center foot 4c in a rear end area of the roof panel 1). The interaction of drive block 14 and the control lever 5, Applicants submit, is adequately shown in Fig. 5 as described in the specification at page 7, lines 3-5 and page 8, lines 16-20. The release of the coupling as described on page 8 and 9 of the specification is likewise sufficiently shown by comparing Figs. 7 -9 showing the opening movement of the roof.

Objections to the Drawings under 37 C.F.R. 1.83(a) with regard to the claimed features:

In addition, the drawings were objected to for not showing each of the features specified in the claims. Claims 1-20 were objected to under 35 U.S.C. 112, first paragraph for failing to comply with the written description and enablement requirements. Specifically, the Examiner asserted that the fourth position (claim 2), the catch lever releasably fixed to the first slide element 6 (claim 9), the entirety of claim 10, the cable (claims 11 and 12), the panel (claim 13), the pre-assembled holder (claim 16), the control lever driving the roof panel (claim 19), must be shown or the features cancelled from the claims.

Applicants have amended claim 1 to include features from claims 7, 8, and 9 together with the subject matter disclosed in the specification at page 5, lines 31-37 and on page 8, lines 22-25.

Applicants submit that the invention as recited in claim 1 is properly shown in the drawings and supported in the specification. A kinematics characteristic of the claimed vehicle roof is that the roof panel 1 is first elevated to a position parallel with the rest of the vehicle roof (second roof position) before it is moved towards the rear of the vehicle. This movement of the roof panel 1 is achieved by a smart kinematics including the first and second slide elements and control lever 5. An important aspect is that the second slide element 7 stays fixed in a longitudinal direction of the vehicle roof by a catch lever 12 until the first slide element 6 is coupled to the second slide element 7 such that the catch lever 12 by the interaction of the cam 12b with the first slide element 6. Subsequently, a common movement of the first and second slide element 6, 7 towards the rear of the vehicle is possible. The different moving positions of the first slide element 6 are depicted in Fig. 7 to 9 of the application.

With regard to the specific objections by the Examiner regarding claims 2, 9, 10-13, 16, and 19, Applicants submit the following.

Claims 9, 11, 12, and 16 have been cancelled without prejudice.

Applicants respectfully submit that the fourth position, recited in claim 2 is shown in Fig. 9.

Applicants respectfully submit that support for the subject matter of claim 10 is found in the specification, for example, at page 3, lines 22-27, page 5, lines 28-29, page 7, lines 7-9 and page 7, lines 25-27, and is shown in Figs. 4 and 10.

Applicants respectfully submit that support for the subject matter of claim 13 is found in the specification, for example, at page 5, lines 10-14 and is shown in Fig. 2 (see non-opening roof element 2 and roof panel 1).

Applicants respectfully submit that support for the subject matter of claim 19 is found in the specification, for example, at page 4, lines 11-12 in conjunction with Figs. 5 and 6. Those drawings clearly illustrate the interaction between the control lever 5 and the wind deflector lever 13a, which is connected to the wind deflector 13.

Withdrawal of the objections to the drawings under 37 C.F.R. 1.83(a) is respectfully requested.

Rejections under 35 U.S.C. 112, first paragraph:

Claims 1-20 were objected to under 35 U.S.C. 112, first paragraph for failing to comply with the written description and enablement requirements. The disclosure was furthermore objected to for informalities, and for failing to provide antecedent basis for the claimed subject matter.

Applicants respectfully submit that the amendments to the drawings, claims and specification, together with the discussion with respect to the objections to the drawings have obviated the rejections with regard to enablement and written description.

The different moving positions of the first slide element 6 is clearly illustrated with reference to the perspective view of Fig. 5 in connection with the plan views of Figs. 7-9. Fig. 5 shows that once the first slide element is moved towards the second slide element 7, the front portion of the slide element 6 pushes underneath the cam 12b of the catch lever 12 such that the hook-shaped end 12a is moved upwardly so as to release the second slide element 7. This is clearly described in the specification on page 6, lines 25-30. In this context, the release of the coupling element 11 means that once the first slide element 6 abuts against the second slide element 7, the coupling element 11, which is articulated on the second slide element 7

(specification page 6, lines 30-33) is first lifted by means of the first slide element 6 then moved down again such that the coupling element 11 engages in a corresponding recess in the first slide element 6. The sequence of this motion is clearly shown in Figs. 8 and 9.

The functioning of the drive block 14, can be clearly seen in Figs. 4, 5, and 6, in conjunction with the discussion at page 7, lines 1-5.

Withdrawal of the rejections to claims 1-20 under 35 U.S.C. 112, first paragraph, is respectfully requested.

Rejections under 35 U.S.C. 112, second paragraph:

Claims 1-20 were further rejected under 35 U.S.C. 112, second paragraph as being indefinite. Specifically, the Examiner objected to the term “essentially parallel” and asserted that claims 11, 12, 14, and 20 are functional and that claim 20 depends from itself.

Applicants have amended claims 1 and 2 to delete the term “essentially”, have corrected the dependency of claim 20 and changed “can be” to “is”, and have cancelled claims 11 and 12.

Applicants respectfully submit that the recitation of the anti-glare device of claim 14 and the disengagement of the control lever in claim 20 are sufficiently structural and definite to satisfy the requirements of 35 U.S.C. 112, second paragraph.

Withdrawal of the rejections to claims 1-20 under 35 U.S.C. 112, second paragraph, is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
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Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 5. this sheet, which includes Figs. 5 and 6 replaces the original sheet, which includes figs. 5 and 6. In Fig. 5, reference numerals 6b and 7b were added to specify the first slide element extension and the second slide element extension, respectively.

Attachment: One Replacement Sheet